IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 29148 of 2007(T)

PETITIONER:

JESIMON, S/O SUNDARAN,
KORATTIYIL HOUSE,
PONNANI P.O., MALAPPURAM

BY ADV. SRI.SUDHEESH.A.
SMT.C.V.BINDU

RESPONDENTS:

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1. VILLAGE OFFICER, THAVANUR.

2. THAHASILDAR, PONNANI.

3. DISTRICT COLLECTOR, MALAPPURAM

4. SUB INSPECTOR OF POLICE,
PONNANI POLICE STATION, MALAPPURAM

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C). 29148/2007

Dated this the 10th day of October, 2007

JUDGMENT

Proceedings were initiated against the petitioner on the allegation that the vehicle belonging to him was involved in the unauthorised transportation of river sand. On an earlier occasion, petitioner had approached this Court and Ext.P3 judgment has been passed by which District Collector was directed to complete the proceedings in respect of his vehicle. Following Ext.P3 judgment, an enquiry has been conducted and after the enquiry, Ext.P4 order was passed which is under challenge now.

2. In Ext.P4, there is a finding of fact that the vehicle in question was involved in unauthorized transportation of river sand. The petitioner has not produced any material to conclude that the aforesaid finding is perverse. If that be so, the order is to be upheld and I do so.

3. The other submission of the counsel for the petitioner is that the value and fine imposed are excessive. Considering the fact that it is a mini lorry and the purpose of the rule is to act as a deterrent, I see no reason to interfere in the matter as well.

4. The other contention raised by the learned counsel for the petitioner is that the petitioner was not heard. In the absence of a case for the petitioner that this has caused any prejudice to him, I see no justification to interfere with the matter on this ground also. However it is directed that the petitioner will be given three weeks time for making remittance of the value and fine and to get the vehicle released.

Writ petition is disposed of as above.

ANTONY DOMINIC
Judge

mrcs